

RESPONSE AND REMARKS

RESTRICTION REQUIREMENT

The Office Action issues a restriction requirement. In the Office Action, the Examiner construed two (2) groups of claims: (I) Claims 1-6, 28-33, 49-52 and 58 were construed by the Examiner as Group I, as being drawn to a system and method for calculating and displaying rates for multiple carriers, classified in class 705, subclass 1; (II) Claims 59-65 were construed by the Examiner as Group II, as being drawn to a system and method which allows a user to enter in multiple e-mail addresses for receiving customized e-mail messages of a deliverable confirmation, classified in class 705, subclass 1. Construing new Claims 59-65 as independent and distinct from the invention originally claimed and finding that an action on the merits for the originally presented invention had already been presented, the Examiner constructively withdrew Claims 59-65. The above listing of Claims identifies Claims 59-65 as withdrawn.

CLAIM REJECTIONS UNDER 35 USC SECTION 103(a)

In the Office Action, the Examiner rejected Claims 1-27 and 49-58 under 35 U.S.C. §103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,485,369; "Nicholls") in view of Fisher et al. (U.S. Patent No. 6,047,264; "Fisher"), Kara et al. (U.S. Patent No. 6,233,568; "Kara") and Barnett et al. (U.S. Patent No. 6,369,840; "Barnett").

The Examiner rejected Claims 28-48 under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Pauly et al. (U.S. Patent No. 4,958,280; "Pauly"), Kara and Barnett.

RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER SECTION 103(a)

The Examiner's rejections of the Claims have been carefully considered. Amendments to Claims 1-6, 28-33, and 49-52 are filed concurrently herewith to more distinctly claim the claimed invention. Claims 7-27, 34-48, and 53-57 have previously been cancelled. Claim 58 remains in the application as previously

presented. Previously presented Claims 59-65 were constructively withdrawn by the Examiner and have been withdrawn.

For the following reasons, it is respectfully submitted that none of Nicholls, Fisher, Barnett, Pauly, and Kara, whether considered alone, or in combination, anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application.

For example, independent Claim 1, as amended, is directed to a server-based shipping management computer system that programmed to:

receive from a particular user client computer device of a plurality of user client computer devices, a request input by a user for an electronic mail delivery notification service by a carrier system for shipping a particular parcel and an input by the user of parcel specifications for the particular parcel; and

for each respective carrier of a plurality of carriers that would provide electronic mail delivery notification for shipping the particular parcel according to the request, display to a display device configured for communication with the particular user client computer device of the user, as to the particular parcel, a simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications.

It is respectfully asserted, for the reasons described below, that Fisher whether considered alone, or in combination, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application. Fisher discloses a merchant system that tracks shipment status of customer orders sent by a particular merchant to each respective ordering customer. In Fisher, the system composes and sends email notices to the respective ordering customers regarding their respective order shipment status. More specifically, Fisher discloses composing email messages to particular customers regarding the status of their respective orders, according to the results of an interrogation by the Fisher system of respective carrier systems to determine the shipping status of the respective order by the respective carrier. Fisher, col. 2, lines 12 – 18.

As compared to Fisher, it is respectfully asserted that the rejected claims, such as, for example, Claim 1, are not directed to *generating or otherwise*

providing email notifications. Rather, as compared to the carrier-system-interrogation/system-email-generation disclosure of Fisher, Claim 1 is directed to "... display ... a simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications...." Further, as amended, Claim 1, for example, recites that "... a request input by a user ..." is "... for an electronic mail delivery notification service by a *carrier system* ..." (emphasis added) as compared to an electronic mail delivery notification service *by the claimed system*. That is, as compared to a system as in Fisher that discloses *providing* electronic mail delivery notification, e.g., amended Claim 1 recites "... a request input by a user for an electronic mail delivery notification service *by a carrier system* for shipping a particular parcel ...".

For similar reasons, it is respectfully asserted that Pauly, whether considered alone, or in combination, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application. For example, Claim 28 is directed to a server-based shipping management computer system that is programmed to:

receive from a particular user client computer devices of a plurality of user client computer devices, a request input by a user for a verbal delivery notification service by a carrier for shipping a particular parcel and an input by the user of parcel specifications for the particular parcel; and
for each respective carrier of a plurality of carriers that would provide verbal delivery notification for shipping the particular parcel according to the request, display to a display device configured for communication with the particular user client computer device of the user, as to the particular parcel, a simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications.

Pauly is directed to a central ordering/inventory system for ongoing fulfillment of disposable contact lens prescriptions. Pauly discloses shipping from the centralized inventory to the respective eye care professionals. According to Pauly, the Pauly system is enabled to receive orders for contact lenses from multiple eye care professionals, and is also enabled to receive lenses into inventory. According to the Office Action, "[Pauly] discloses the use of

[customer] service representatives which provide verbal communication of delivery status (Column 9, lines 34-38)." The citation to Pauly referenced in the Office Action (at Col. 9, lines 34-38) discloses:

d. Program to allow customer service representatives to view orders already generated and learn the status of these orders, picked, shipped, etc. The representatives will also be able to confirm prescriptions as well as ship-to addresses.

As compared to Pauly, it is respectfully asserted that the amended Claims are not directed to *providing* verbal delivery notification. Rather, Claim 28, for example, is directed to "... display ... a simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications."

As compared to a system as in Pauly that discloses *providing* verbal delivery notification, amended Claim 28 recites "... a request input by a user for a verbal delivery notification service *by a carrier* for shipping a particular parcel ...".

Further, it is respectfully asserted that Kara, whether considered alone, or in combination, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application. As compared to, e.g., amended Claims 1 and 28, it is respectfully asserted that Kara does not disclose a "... simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications ...", "... for each respective carrier of a plurality of carriers that would provide delivery notification services [such as electronic mail delivery notification (Claim 1) or verbal delivery notification (Claim 28)] for shipping the particular parcel according to the request for delivery notification services..."

Kara's Figure 8 does disclose a portion of a display window (element 807) that would allow a user to designate a particular type of delivery service, e.g., Overnight, or Same Day, or Next Day, or 2-Day, or 3-Day, or indicate that urgency is immaterial. In Kara's Figure 8, the Overnight box has been selected. Kara's Figure 8 also discloses a portion of a display window (element 808) that provides fields for dollar amounts for each of various carriers. However, as compared to, e.g., amended Claim 1 of the present application, which is directed

to "... a simultaneous identification of charges for each delivery service offered by the respective carrier according to the parcel shipping specifications ...", in Kara, the "program automatically calculates the fees for each shipping service provider offering service commensurate with the desired shipping and/or delivery parameters." Kara, col. 22, lines 39 – 42. That is, according to Kara, once the user indicates a service type to the Kara system, the Kara program calculates the rates for each carrier that supports that service type; only one rate per carrier is calculated.

Yet further, it is respectfully asserted that Nicholls, whether considered alone, or in combination, does not anticipate, disclose, teach or suggest all of the limitations of the amended Claims of the present application. As compared to, for example, amended Claim 1, Nicholls does not disclose any display of, much less a simultaneous display of, charges for *each* delivery service offered by [a] respective carrier according to the parcel shipping specifications.

Nicholls describes its FIG. 4A as showing that:

[T]he Shipments client accepts user input for the routing, rating and documentation of a group of packages comprising a shipment... the service is selected from the Service box. Alternatively, the service may be set to Best Way and the system will choose the least cost carrier which meets the transit time requirements indicated in the commitment field.

Nicholls, col. 7, lines 52-61.

That is, similar to Kara, in Nicholls, the user must input (pre-select), in the "commitment field", a transit time requirement (such as, e.g., overnight, or 2-day - i.e., an input similar to a delivery service) before the Nicholls system will calculate any rates. Then, depending on whether the user has input "Best Way", or has input a particular carrier in the Service box, when the user clicks the "Rate" icon, the Nicholls system will calculate a rate for the given user input. Notably, whether the user has input "Best Way", or has input a particular carrier in the Service box, when the user clicks the "Rate" icon, there is no disclosure in Nicholls that the Nicholls system will display more than a single rate responsive to the given user input. In fact, according to the Office Action, "Nicholls discloses

the automatic selection of a carrier and fails to disclose displaying the rates of the carriers to the user." Office Action, Page 7, ¶19.

Still further, it is respectfully asserted that combining the other cited references with Barnett does not supply all of the limitations of the Claims, as amended, of the present application.

As compared to the Claims, as amended, of the present application, Barnett discloses "provid[ing] a multi-layered calendaring system wherein events belonging to different categories and selected by a user can be overlaid on one another in a single integrated calendar." Barnett, col. 2, lines 26 – 29.

It is respectfully asserted that providing a multi-layered calendaring system wherein *different events* belonging to different categories and selected by a user can be overlaid on one another in a single integrated calendar, as disclosed in Barnett, does not anticipate, disclose, teach or suggest displaying charges for a *single* event (e.g., shipping a particular parcel as recited in, e.g., Claim 1) via different delivery services (offered by various carriers), or identifying each delivery service offered by each carrier of a plurality of carriers (see, e.g., Claims 49, 51, and 52) that would provide a requested delivery notification service. Further still, it is respectfully asserted that providing a multi-layered calendaring system wherein *different events* belonging to different categories and selected by a user can be overlaid on one another in a single integrated calendar, as disclosed in Barnett, does not anticipate, disclose, teach or suggest calculating charges for a *single* event (e.g., delivery of the respective particular parcel as recited in amended Claim 50) "... by each delivery service offered by each respective carrier of a plurality of carriers for each delivery notification service option requested by the respective user that each delivery service offered by each respective carrier would support for delivery of the respective particular parcel ..." as recited in, e.g., amended Claim 50.

Further still, for reasons similar to those described above, it is respectfully asserted that, none of Nicholls, Fisher, Barnett, Pauly, and Kara, whether considered alone, or in combination, anticipate, disclose, teach or suggest all of the limitations of Claim 58 of the present application. It is respectfully submitted,

for example, that none of Nicholls, Fisher, Barnett, Pauly, and Kara, whether considered alone, or in combination, anticipate, disclose, teach or suggest, e.g., the following limitations of Claim 58:

- (1) identifying, from a plurality of carriers, a first carrier that would offer an electronic mail delivery notification service in conjunction with performing said at least one delivery service, and
- (2) identifying, from said plurality of carriers, a second carrier that would offer an electronic mail delivery notification service in conjunction with performing said at least one delivery service;

For the foregoing reasons, because independent Claims 1, 28, 49-52, and 58, as amended, are patentable over the cited references, it is respectfully asserted that dependent Claims 2 through 6, and 29 through 33, are therefore also patentable over the cited references.

In view of the foregoing reasons, it is respectfully submitted that the invention disclosed and claimed in the present amended application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,

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